

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
FILE NUMBER:

Omaha District, South Dakota Regulatory Office
200430369

REGULATORY PROJECT MANAGER:

Jim Oehlerking

Date: 10/25/2004

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: 09/06/04

At the project site Y (Y/N) **Date:** 7/2/2004

PROJECT LOCATION INFORMATION:

State:

South Dakota

County:

Davison

Center coordinates of site by latitude & longitudinal coordinates:

Lat 43-42-12.2487 Long 97-59-4.5958

Approximate size of site/property (including uplands & in acres):

10 acres

Name of waterway or watershed:

Middle James River

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?				x	
Is used to irrigate crops sold in interstate commerce?				x	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary ☐ Or Approved ☒.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The site is a grassed drainage swale that is a linear wetland of approximately 0.5 acres in size evidenced by vegetation and soils. Immediately downstream from this site is a livestock dam and the area has been utilized for pasture. Immediately upstream is a former tilled field that has been developed for a golf course and residential housing. This site is approximately 1/2 mile from Firesteel Creek. There area does not, and could not, support watercraft, it does not meet other valid ICCC and it does not have a valid surface hydraulic connection to waters of the US, thus it is isolated (SWANCC).